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series of collected cases,—an improvement that would have cost only a few hours of clerical labor in the work of editing.

O. K. M.

THE LAW OF WILLS AND THE ADMINISTRATION OF ESTATES. Enlarged edition. By William Patterson Borland. Vernon Law Book Co., 806 Grand Ave., Kansas City, Mo. 1915. pp. xv, 723. \$6.00.

Mr. Borland says in his preface that he "cites every case and discusses every rule embodied in the common or statute law of the following group of states: Missouri, Arkansas, Nebraska, Kansas, Oklahoma, Texas, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada and California." Though this grouping may seem accidental, it is not so in fact, for a certain unity is found in the fact that each of these jurisdictions has been somewhat exposed to the influence of the civil law, and, moreover, has evolved its jurisprudence largely under the influence of similar pioneer conditions. The selection of these jurisdictions, therefore, affords a good basis for the study of testamentary law. The author, however, by no means confines his treatment to rules and cases in these states, though he does not aim at such completeness in his general treatment as he does with reference to the law in the states mentioned.

So far as the law regarding wills is concerned, we believe that the author's claim to thoroughness is justified, with respect at least to the California law. The claim, however, is perhaps extreme as concerns the portion of his book devoted to the subject of administration. Thus we miss the treatment of such matters as sales by an executor and administrator, or the statutory rules with respect to the right to letters of administration. The subject matter of this one volume treatise is precisely the same as that of Mr. Schouler's larger work reviewed above, a similarity which naturally invites comparison between the two books. The reviewer has, accordingly, tested both at some difficult points. To state the result of a comparison at one of these points, the doctrine of "dependent relative revocation," Mr. Borland briefly, though neatly, discusses this rather elusive subject at section 29, pages 97-100, with references not only to the leading English case of *Onions v. Tyrer*, 2 Vern. 742, but to the notes in the American State Reports and the Lawyers' Reports Annotated on the case of *Strong's Appeal*, 79 Conn. 123. Mr. Schouler's treatment of this matter, on the other hand, at section 398 of volume I of his treatise, is very incomplete and vague, and fails to call attention to the modern authorities. So, also, a comparison of what Mr. Schouler and Mr. Borland have to say upon the question of incorporation by reference redounds in every respect to the latter's advantage. (Cf. Borland, § 16, with Schouler, I, § 282.)

In a book in which so many matters are treated, there is bound to be undue compression, but who will call that a fault in these days of three volume treatises whose authors skilfully avoid, as

far as possible, committing themselves to any definite propositions? If one were inclined to be captious, he might object to Mr. Borland's classification of the Walkerly case under the rule against perpetuities, (as to which see *I California Law Review*, 320-333) but Gray on Perpetuities would set the reader on the right track in a few minutes. Mr. Borland says in his preface: "In a good workshop a good tool never grows rusty. It is used until it is worn out, and then, having done its work and earned more than its keep, it is discarded for something better. I hope that will be the case with this book." As this sample from his preface indicates, the book is written in good "American." Another instance of the writer's racy style of special interest to California lawyers is his comment on the bequest, in the will of Adolph Sutro, to Miss Trundle. He says of this bequest: "See a curious and unsuccessful attempt to settle a tort by agreement and the dishonest result which legal chicanery accomplished." *Drinkhouse v. Merritt*, 134 Cal. 580, 66 Pac. 785; *Sutro's Estate*, 139 Cal. 87, 72 Pac. 827." (§ 8, p. 29, note 44). And whether we agree with the author's legal conclusions or not, the following account of the decisions in this jurisdiction respecting "the trust to convey" certainly does not lack vigor and conciseness: "Under the Statutes of California it was decided that a trust 'to convey' was illegal and void. *Fair's Estate*, 132 Cal. 532, 60 Pac. 442, 64 Pac. 1000, 84 Am. St. Rep. 70. As a result of course, trouble followed this effort by the court to twist the law to effect a particular result in a particular case. *Estate of Heywood*, 148 Cal. 184, 82 Pac. 755; *Estate of Lux*, 149 Cal. 200, 85 Pac. 147; *Estate of Heberle*, 153 Cal. 275, 95 Pac. 41; *Estate of Peabody*, 154 Cal. 173, 97 Pac. 184. Until the whole rule of the earlier decision was neatly sidestepped in the later case of *Estate of Spreckels*, 162 Cal. 559, 123 Pac. 371." (§ 176, p. 471, note 41).

The mechanical features of the book are excellent.

O. K. M.

LAW AND ITS ADMINISTRATION. By Harlan F. Stone. Columbia University Press, New York. 1915. pp. vii, 232. \$1.50 net.

The Dean of Columbia University Law School has written a much needed book for laymen. The purpose is, in his own words, "to discuss before a lay audience some of the more fundamental notions which underlie our legal system, and thus by aiding a better understanding and possibly removing some popular misconceptions of law and lawyers to contribute to the cause of good citizenship." The difficulty of such an undertaking is that laymen have no interest in law as such. If a layman attends a lecture on law, or reads a law book, it is for the purpose of getting the solution to some legal difficulty in which he has become involved, without paying a fee to a lawyer. It is very hard to convince such a hearer or reader that the law presents inherent difficulties and requires an expert like medicine, engineering, or any other pro-